

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

HealthMed LLC

v.

Case No. 12-cv-213-SM

Vanguard Medical Supply, Inc.


O R D E R

No objection having been filed, I herewith approve the Report and Recommendation of Magistrate Judge Landya B. McCafferty dated September 9, 2013, for the reasons set forth therein. ``[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.'" School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).

HealthMed LLC's Motion for Default Judgment (document no. 28) is hereby granted on the claim for breach of contract as stated in Count I. Judgment shall be entered in favor of HealthMed, LLC, and against Vanguard Medical Supply, Inc. in the amount of \$200,748.00. The Consumer Protection Act claim and the breach of the covenant of

good faith and fair dealing claim are dismissed.

SO ORDERED.


Steven J. McAuliffe
United States District Judge

Date: October 3, 2013

cc: Michael D. Ramsdell, Esq.
Charles P. Bauer, Esq.
Peter G. Callaghan, Esq.